

## REMARKS

The Office Action mailed September 22, 2008, has been received and its contents carefully noted. The pending claims, claims 1, 4, 5 and 24-32, were rejected. By this Response, claims 1, 4, 5, 29 and 32 have been amended. Claims 33 and 34 have been added. Support may be found in the specification and the claims as originally filed. Consider especially pages 2, 4 and 12 and the working examples. No statutory new matter has been added. Therefore, reconsideration and entry of the claims, as amended, are respectfully requested.

### Rejection under 35 U.S.C. 103(a)

Claims 1, 4, 5 and 24-32 are rejected the claims under 35 U.S.C. 103(a) as being unpatentable over Henkel (WO 01/83662) in view of Giatras (US 4,701,345). The English equivalent (US 2004/0023824) of the WO document has been relied upon for this rejection.

The Examiner's comments have been carefully considered. It appears that the rejection was in part prompted by the perceived breadth of the claims.

In response, claim 1 was amended to more clearly identify the nature of the surface formed by the silica particles. The particles are either embedded in the surface or secured in a carrier layer, which forms the surface. It is believed by these amendments that the products of Henkel and Giatras<sup>1</sup> are distinguished. (It is noted that the Examiner relies on Giatras for its teaching of equivalency of fumed silica and precipitated silica. This teaching of equivalency, however, is in the context of usefulness as a thickening agent and not as a hydrophilic surface forming agent. See paragraph bridging columns 5 and 6 and first complete paragraph in col.6 of Giatras.)

Henkel teaches the use of a composition of silica particles and complexing agent(s) to treat surfaces to render them temporarily hydrophilic. See paragraphs [0009] and [0020]. A range of surface materials are taught. See paragraph [0012]. The examples are directed to

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<sup>1</sup> Giatras et al teach a polymeric coating and process for glass fiber. Fumed silica is used as a thickening agent in the polymer coating. See col. 6. There is no mention of a resultant hydrophilic surface. The claimed product requires silica to be affixed to or embedded in a surface of the product, thereby forming a permanent hydrophilic

textiles. See paragraphs [0130] through [0137]. Improvements in soil removal are shown in the Table, appearing on page 10.

There is no mention or suggestion in Henkel of securing silica particles to a surface using a "carrier layer" or imbedding silica particles in a polymeric surface using a solvating or swelling agent. Applicants desire a permanent hydrophilic surface whereas Henkel clearly indicate that their surface modification is temporary, which aids in the removal of soil from textiles. See paragraphs [009] and [0002]. In paragraph [0006] of Henkel, it is clearly indicated that the permanent modification of textile surfaces is not always desired. Further, Henkel contains no teaching relative to the use of carrier layers, fixative particles, or the imbedding of silica particles within a polymer surface to form a hydrophilic surface. Henkel makes no mention of forming a hydrophilic surface on structures like molding as do Applicants.

It is respectfully submitted that the teaching provided by the references cited in the statement of the rejection statement are incomplete. A prima facie case of obviousness is not established based on their teachings. The mere substitution of the equivalency of fumed silica and precipitated silica as thickening agents would not result in the modification of the Henkel product that would impart to it a permanent hydrophilic surface. Henkel does not secure silica to a surface through the use of a carrier layer or the use of a swelling or solvating agent, which causes the silica particles to be anchored in the polymer surface. It is not seen how the Henkel mixture of silica and a complexing agent (e.g. EDTA) would result in a "carrier layer" that permanently secures fumed silica to a solid surface like that claimed.

Withdrawal of the rejection is respectfully requested.

#### **Request for Interview**

Applicants respectfully request either a telephonic or an in-person interview should there

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surface.

be any remaining issues.

### CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Therefore, it is respectfully requested that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefor are hereby authorized to be charged to **Deposit Account No. 02-4300, Attorney Docket No. 032301.602** (39509.205611).

Respectfully submitted,  
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